

C.G. 705 A  
(Rev. 1-80)

## ATTENTION OF MASTERS ESPECIALLY INVITED TO FOLLOWING REQUIREMENTS OF LAW

### PRIVACY ACT STATEMENT

1. AUTHORITY UNDER WHICH AUTHORIZED THE SOLICITATION OF THE INFORMATION: 46 USC 643.
2. PRINCIPAL PURPOSE(S) FOR WHICH INFORMATION IS INTENDED TO BE USED:
  - (1) ESTABLISHES A CONTRACT BETWEEN THE SHIPPING COMPANY AND THE CREWMEMBERS PRIOR TO THE BEGINNING OF A VOYAGE AS IS REQUIRED BY LAW.
  - (2) PROVIDES THE CG WITH AN OFFICIAL VESSEL ACTIVITY FILE AS WELL AS A COMPLETE LISTING OF THE SEAMEN EMPLOYED DURING THE VOYAGE, THEIR NAMES, WAGES, ADDRESSES OF NEXT OF KIN, TIME TO BE ABOARD, BIRTH DATES, CAPACITIES, AND DOCUMENT NUMBERS.
3. THE ROUTINE USES WHICH MAY BE MADE OF THE INFORMATION:

PROVIDES VERIFICATION, IDENTIFICATION, LOCATION AND EMPLOYMENT RECORD OF U.S. MERCHANT SEAMEN TO THE FOLLOWING: (1) FEDERAL, STATE, LOCAL LAW ENFORCEMENT AGENCIES FOR USE IN CRIMINAL OR CIVIL LAW ENFORCEMENT PURPOSES; (2) SHIPPING COMPANIES. (3) LABOR UNIONS. (4) SEAMAN'S AUTHORIZED REPRESENTATIVES. (5) SEAMAN'S NEXT OF KIN. (6) WHENEVER THE DISCLOSURE OF SUCH INFORMATION WOULD BE IN THE BEST INTEREST OF THE SEAMAN OR HIS FAMILY.
4. WHETHER NOR NOT THE DISCLOSURE OF SUCH INFORMATION IS MANDATORY OR VOLUNTARY (REQUIRED BY LAW OR OPTIONAL) AND THE EFFECTS ON THE INDIVIDUAL, IF ANY, OF NOT PROVIDING ALL OR ANY PART OF THE REQUESTED INFORMATION DISCLOSURE OF THIS INFORMATION IS VOLUNTARY, BUT SUBJECT SEAMEN MAY BE NOT BE PERMITTED TO ENGAGE IN EMPLOYMENT ABOARD THE VESSEL FOR WHICH ARTICLES ARE BEING OPENED.

#### **Authority of Master**

**(R.S. 4504 - 46 U. S. C. 546)** Whenever the master of any vessel engage his crew, or any part of the same, in any collection district where no Coast Guard Official to perform the duties of shipping commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

**NOTE:** Authority for the master to discharge seamen is contained in R. S. 4551 - U. S. C. 643. In the following statutes, "master" may be substituted for "shipping commissioner" except in those statutes dealing the shipment/discharge of seamen in foreign ports.

#### **Agreement to Ship in Foreign Trade**

**(R. S. 4511 - 46 U. S. C. 564)** The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the Republic of Mexico, or of any vessel of the burden of seventy-five tons, or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing, or in print, with every seaman whom he carries to sea one of the crew, in the manner hereinafter mentioned:

**(R. S. 4519 - 46 U. S. C. 577)** The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting the signatures, to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than \$100.

#### **Penalty for Shipping Without Agreement**

**(R. S. 4514 - U. S. C. 567)** If any person shall be carried to sea, as one of the crew on board of any vessel making a voy-

age as hereinbefore specified (R. S. 4511) without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than \$200. But the vessel shall not be held liable for any person carried to sea, who have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely impersonated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

#### **Shipment in Foreign Ports Before Consuls**

**(R. S. 4517 - 46 U. S. C. 570)** Every master of a merchant vessel who engaged any seaman at a place out of the United States, in which there is a consular officer, shall, before carrying such seaman to sea, procure the sanction of such officer and shall engage seamen in his presence, and the rules governing the engagement of seamen before a shipping commissioner in the United States shall apply to such engagements made before a consular officer, and upon every such engagement the consular officer shall endorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence and otherwise duly made.

**(R. S. 4518 - 46 U. S. C. 571)** Every master who engages any seaman in any place in which there is a consular officer otherwise than as required by the preceding section shall incur a penalty of not more than \$100, for which penalty the vessel shall be held liable.

#### **Watches-Hours of Labor-Legal Holidays**

**(R. S. 4551 - Sec. 2 - 46 U. S. C., Supp. IV 673)** In all merchant vessels of the United States of more than one hundred tons gross, excepting those navigating rivers, harbors, lakes

(other than Great Lakes), bays, sounds, bayous, and canals, exclusively, the licensed officers and sailors, coal passers, firemen, oilers, and water tenders shall, while at sea, be divided into a least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel. No licensed officer or seaman in the deck or engine department of any tug documented under the laws of the United States (except boats or vessels used exclusively for fishing purposes) navigating the Great Lakes, harbors of the Great Lakes, and connecting and tributary waters between Gary, IN; Duluth, MN, Niagara Falls, NY; and Ogdensburg NY, shall be required or permitted to work more than eight hours in one day except in case of extraordinary emergency affected the safety of the vessel and/or life or property. The seaman shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipping for deck duty be required to work in the fireroom, or vice versa; nor shall any licensed officer or seaman in the deck or engine department be required to work more than eight hours in one day; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when in the judgment of the master or other officer the whole or any part of the crew are needed for maneuvering, shifting berth, mooring, or unmooring, the vessel or the performance of work necessary for the safety of the vessel, her passengers, crew, and cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea, from requiring the whole or any of the crew to participate in the performance of fire, lifeboat, or other drills. While such vessel is in safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. And at all times while such vessel is in safe harbor, eight hours, inclusive the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section and the regulation issued thereunder, the owner shall be liable to a penalty not to exceed \$500, and the seaman shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to vessels engaged in salvage operations: *Provided*, That in all tugs and barges subject to this section when engaged on a voyage of less than six hundred miles, the licensed officers and members of crews subject to this section when engaged on a voyage of less than six hundred miles, the licensed officers and members of crews other than coal passers, firemen, oilers, and water tenders may, while at sea, be divided into not less than two watches, but nothing in this proviso shall be construed as repealing any part of section 222 of this title. This section shall take effect six months after June 25, 1936. (As amended June 25, 1936, c. 816, 2, 49 Stat. 1933; June 23, 1938, c. 597, 52 Stat. 944.)

#### **Wages**

**(R. S. 4552 - 46 U. S. C. 644)** The following rules shall be observed with respect to the settlement of wages:

First. Upon the completion, before a shipping commissioner, of any discharge and settlement, the master or owner and each seaman respectively, in the presence of the shipping commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and the seaman assent to such settlement, or the settlement has been adjusted by the shipping commissioner.

**(R. S. 4524 - 46 U. S. C. 591)** A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the specified in the agree-

ment for his commencement of work or presence on board, whichever first happens.

**(R. S. 4530 - 46 U. S. C. 597)** Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs-half part of the balance of his wages earned and remaining unpaid at the time when such demand is made at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended, and all stipulations in the contract to the contrary shall be void: *Provided*, Such a demand shall not be made before the expiration of, nor oftener than once in five days nor than more than once the same harbor on the same entry. Any failure on the part of the master to comply with this demand, shall release the seaman from his contract and he shall be entitled to full payment of wages earned. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall be then due him, as provided in section 4529 of the Revised Statutes: *Provided further*, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes, any court having jurisdiction may upon a good cause shown set aside and such release and take action as justice shall require.

#### **Discharge of Seamen**

**(R. S. 4549 - 46 U. S. C. 641)** All seamen discharged in the United States from merchant vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized shipping commissioner under this Title (R. S. 4501 - 4612), except in cases where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than \$50.

**(R. S. 4551 - Subsec. (d) - 46 U. S. C., Supp. IV 643(d))** Upon the discharge of any seaman and the payment of his wages, the shipping commissioner shall enter in the continuous discharge book of such seaman, if the seaman carries such a book, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and plate of the shipment and of the discharge of such seaman, the rating (capacity in which employed) then held by such seaman, and the signature of the person making such entries and nothing more.

**(R. S. 4551 - Subsec. (e) - 46 U. S. C., Supp. IV 643(e))** For the purpose of furnishing evidence of sea service in the case of seamen preferring the certificate of identification instead of the continuous discharge book, the United States Coast Guard shall provide a certificate of discharge, printed on durable paper, in such form as to specify the name and citizenship of the seaman to whom it is issued, the serial number of his certificate of identification, the name and official number of the vessel, the nature and place of the shipment and of the discharge of such seaman, and the rating (capacity in which employed) then held by such seaman. Records of service entered in either continuous discharge books or certificates of discharge shall contain no reference to character or ability of the seaman. The shipping commissioner shall issue such certificate of discharge and make the proper entries therein, which certificate shall be signed by the seaman to whom it issued and the master of the vessel and shall be witnessed by such shipping commissioner.

**(R. S. 4551 - Subsec. (k) - 46 U. S. C., Supp. IV 643(k))** Where such vessels are required to sign on and discharge the crew before a shipping commissioner and no shipping com-

missioner is appointed or is available the functions and duties required by subsections (d) and (e) of this section to be performed by such shipping commissioner may be performed by a collector or deputy collector of customs; and where vessels are not required to sign on and discharge the crew before a shipping commissioner the duties and functions required by subsections (d) and (e) of this section to be performed by the shipping commissioner shall be performed by the master of such vessel. Any master who shall fail to perform such duties or functions shall be fined in the sum of \$50 for each offense.

***Discharge in Foreign Ports***

**(R. S. 4580 - 46 U. S. C. 682)** Upon the application of the master of any vessel to a consular officer to discharge a seaman, or upon the application of any seaman for his own discharge, if it appears to such officer that said seaman has completed his shipping agreement or is entitled to his discharge under any act of Congress or according to the general principles or usages of maritime law as recognized in the United States, such officer shall discharge said seaman, and require from the master of said vessel, before such discharge shall be made, payment of the wages which may then be due said seaman, but; no payment of extra wages shall be required by any consular officer upon such discharge of any seaman except as provided in this act.